Checking Conviction Records



It is recommended that you check conviction records only if you need to do so to protect your organization from negligent hiring claims. Whether you are justified in requesting a criminal record check can be determined from:

- the type of position being filled
- the information that you had obtained from the applicant and references before you started a criminal record search.
- the ability of your organization to bear the cost of the search

WHERE DO YOU CHECK?

You can do it by communicating directly with:

- the state’s central repository of records
- state and local criminal agencies
- any county in which the applicant may have been living
- the state’s department of motor vehicles for records of driving-related convictions and violations
- the Federal Bureau of Investigation

Legal considerations:

Because conviction records can cover an array of behavior and can sometimes unfairly affect certain groups of people, be sure to:

- comply with anti-discrimination laws, both federal and state
- avoid violating state laws that restrict use and disclosure of criminal records or that require you to check conviction records based on the nature of your industry or the type of position you are filling